

**Board for Judicial
Administration's
Court Funding
Task Force
Mission:**

***"To develop and
implement a
plan to achieve
stable,
adequate, long
term funding of
Washington's
trial courts to
provide equal
justice through-
out the state."***

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Justice in Jeopardy Bulletin

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Justice in Jeopardy: A work in progress

With the release of the Court Funding Task Force report in December 2004, the Justice in Jeopardy Initiative was launched under the auspices of the Court Funding Implementation Committee, a newly created standing Committee of the Board for Judicial Administration. With a strong coalition of justice system, local government, and legislative partners, the initiative took dead aim at improving the funding of Washington State's trial courts, indigent criminal defense services, and civil legal services for the poor.



with local government, to improve the system of justice in our state," said Implementation Committee Co-Chair Judge Deborah Fleck.

The 2005 Legislative Session – Early Success

At the start of the Initiative, \$32.5 million total was raised from court user fees to state and local government. It is estimated that \$17.7 million in new revenue will go to county general funds and \$2.1 million to city general funds statewide over the biennium which ends in July 2007.

In early 2005, Washington's Justice in Jeopardy Coalition took their case to the Washington State Legislature to achieve adequate, stable and long-term funding of Washington's trial courts to provide equal justice throughout the state. After a year and a half filled with countless calls to legislators and editorial boards, the Justice in Jeopardy Initiative has resulted in \$41.2 million dollars of new funding to improve the system of justice in our State.

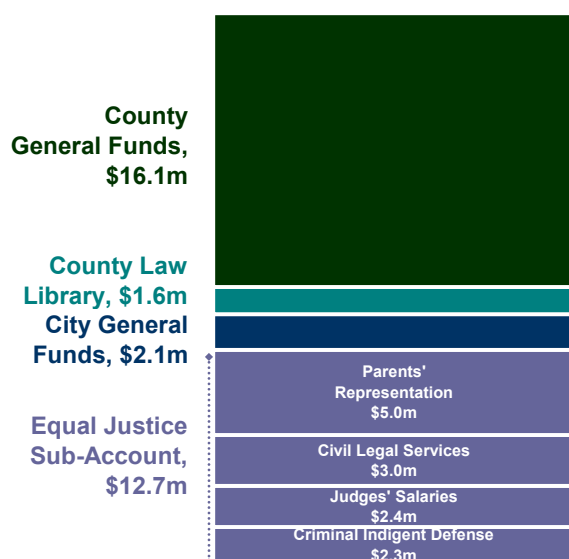
This increased funding--much of which goes directly to local governments--is a point that the Court Funding Task Force Implementation Committee hopes is not lost on local officials and will truly be used to improve the court operations. "It is important that we continue to work strategically with our partners, especially

The state's share of \$12.7 is deposited in a new Equal Justice Account dedicated to the primary Justice in Jeopardy needs: court operations, indigent criminal defense, parent dependency representation and civil equal justice (see chart on page 2).

In receiving certain state funds from the Equal Justice Account, local governments are required to create local Trial Court Improvement Accounts (see article on page 4), essentially funded with the reimbursement received for District and qualified Municipal Court Judges' salaries. In 2006, \$2.4 million was dedicated to district and qualified municipal courts judges' salaries, increasing to \$6.8 million in the 2007-2009 biennium.

Continued on next page

2005 New Revenue for State and Local Government (\$32.5 Million)



2006 Legislative Session – Incremental steps forward

At the end of the 2006 session, a second significant step was taken in the historic effort to reform court funding in Washington State.

As Chief Justice Gerry Alexander stated in a written interim address to the Governor and leadership of the House and Senate, the incremental approach to improving court funding will continue into future sessions.

“While we have made great strides, we still have a long road ahead. From the start of this significant effort...we recognized that securing adequate and stable funding for Washington’s trial courts would require an incremental, long-term approach.”

The 2006 Legislature responded with a package of improvements for Parents Representation, Indigent Criminal Defense, Civil Legal Aid and a Juror Fee Research project all receiving funding during the interim session. Significantly, the funding appropriated for indigent criminal defense will boost local government’s ability to provide adequate services and state assumption of funding for parents’ representation in dependency and termination cases provides county government with the opportunity to shore up funding of other justice system needs.

2007 and beyond

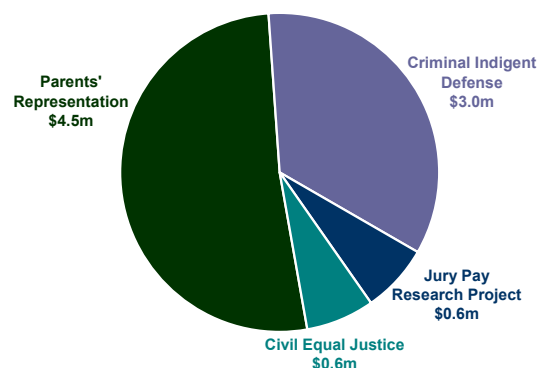
The Justice in Jeopardy Coalition is operating in high gear planning for 2007.

At its last meeting of the Court Funding Implementation Committee, members reviewed results of the past legislative session, implementation of ESSB 5454, including the disbursement of Trial Court Improvement Account funds.

Discussions regarding the next session’s efforts include the following priorities:

- Increased funding for interpreters in Washington Courts, including a state contract for telephone interpreter services, use of certified and registered interpreters, funding for Limited English Proficiency (LEP) plan development and translation of pattern forms.
- Increased funding (1) to establish meaningful legal aid presence in disproportionately underserved rural and remote areas of the state and (2) for unified intake, access and referral in King County. These efforts represent the next step in implementing the recommendations of the Supreme Court’s Task Force on Civil Equal Justice Funding and the Access to Justice Board’s Revised State Plan.
- Increased funding for public defense services and parent representation, including expansion of the parent representation program to every county in the state.

2006 Supplemental Funds \$8.7 Million



In the Spotlight: Office of Civil Legal Aid

In 2005, the Washington State Legislature declared, “[We] find that the provision of civil legal aid services to indigent persons is an important component of the state’s responsibility to provide for the proper and effective administration of civil and criminal justice.”

With RCW 2.53.005, a new Office of Civil Legal Aid (OCLA) and the Civil Legal Aid Oversight Committee was authorized, and in June, the Washington Supreme Court appointed long-time civil legal aid supporter Jim Bamberger as the first director of the new agency.

Over the past year, Bamberger and the oversight committee have been forming budgets, work plans and strategies for meeting the requirements and mission of the new office — to administer state-funded legal aid services, monitor use of state funds, report on the status of access to the civil justice system for low-income people, and make recommendations to court officials and state lawmakers regarding legal aid funding and resources.

A long and winding road

The path to OCLA’s creation could be said to have started in 2001, when the Supreme Court established the Task Force on Civil Equal Justice Funding.

However, the need for the office began years earlier, when funding for civil legal aid came under fire. In 1980, federal funding for legal aid — through the Legal Services Corporation — was about \$320 million. By 1982, it had dropped a third to \$241 million. It rebounded somewhat but was cut again to \$278 million in 1996, and now is again at \$320 million.

“You can imagine what that buys in today’s dollars,” Bamberger said. “Less than half of what it bought in 1980 and the poor population has doubled.”

In 1980, Washington State had 140 legal aid attorneys for a low-income population of about 500,000 residents. The state now has just over 100 legal aid attorneys for a low-income population of about 1.1 million people.

In 1995, the state Supreme Court established

the Access to Justice Board to provide leadership and coordination of efforts in supplying civil legal aid to Washington’s low-income residents.

“They said that we are not going to be complicit in writing poor people out of the justice system. They adopted the first state plan for legal aid,” Bamberger said.

The court system also found other avenues of funding for civil legal services. “The judicial branch has accepted legal aid as a critical component in its mission to administer justice,” he said.

That commitment led to creation of the Supreme Court’s Task Force on Civil Equal Justice Funding in late 2001 to oversee a comprehensive study of unmet civil legal needs of the poor, develop a rationale for sustained state funding of civil legal aid, identify an appropriate level of funding, and develop recommendations for securing and administering funds for civil legal services.

“The Washington State Civil Legal Needs Study,” performed by researchers

affiliated with Washington State University and Portland State University, was

released in September, 2003. The Task Force on Civil Equal Justice Funding issued its final report in May, 2004.

The study found that more than 85 percent of low-income adults and families have serious unmet civil legal needs, issues affecting housing, employment, health care and family safety. Of these, nearly nine in ten were unable to get necessary legal assistance.

Only 15 percent of the state’s poor were receiving any help with their civil legal struggles.

The Task Force recommended that funding for civil legal services be included in judicial budgets, that an independent office to oversee civil legal services be established within the judicial branch, that a joint legislative oversight committee be established for such an office, and that these changes be codified into state law.

The recommendations were taken to the 2005 Legislature by the Court Funding Task Force, which folded the findings and recommendations of Task Force on Civil Equal Justice Funding in with its own report and efforts regarding the crises in funding facing the state court system and for indigent criminal defense.



Jim Bamberger, director of the new Office of Civil Legal Aid

Office of Civil Legal Aid 1112 Quince Street SE, Building 1 Room 115
360-704-4135 (phone) 360-704-4003 (fax) jim.bamberger@ocla.wa.gov

Trial Court Improvement Account Used Throughout the State to Increase Efficiency

With the passage last session of 2ESSB 5454, Trial Court Improvement Accounts were created to improve the funding of trial courts throughout the state.

In February, the second quarterly distribution was made to counties and cities for the state's contribution toward district court and qualifying municipal court judges' salaries. To date, more than \$600,000 has been distributed to counties and cities for deposit into their court improvement accounts, with an average quarterly payment per full-time judge of approximately \$2,700.

In the first annual report from courts participating in the program to the Legislature, a variety of projects were reported to have been formed or are planned for 2006 to implement efficiencies at the local level:

Adams County

\$20,084 was utilized for the purchase and installation of digital recording systems and assistive listening systems in two courtrooms, a new sound system (P.A.) in one courtroom.

Cowlitz County

\$6,833 was used to purchase hardware and software to create and sign forms electronically by courts, attorneys, and defendants.

King County

\$60,000 was used to conduct a district court staffing needs assessment for all court and probation office positions.

Pierce County

\$23,000 helped off-set additional expenses of filling one new superior court judge position and associated staffing authorized in 1997 by the Washington State Legislature.

While budgets have not yet been formally adopted, planned 2006 expenditures include:

City of Everett

Installation of video arraignment equipment connecting the Everett Municipal Court to the Snohomish County Jail.

Benton County

Purchase of office furniture and equipment to improve staff efficiencies in superior court and recording system upgrades in district courtrooms.

Clallam County

Creation of a court house security officer position.

Ferry County

Upgrade of remote video appearance system.

Kitsap County

Partial funding of the cost of creating new district court judge position and associated staff.

Klickitat County

Funding approximately one-third of the cost of a new probation officer for three years to assist drug court following the loss of DOC personnel.

Lewis County

Partial funding of the cost of creating a new assistant court administrator for district court.

Lincoln County

Purchase and installation of a digital audio recording system in district court.

Okanogan County

Purchase of imaging software interface to link imaged documents to docket entries on district court JIS docket.

Pacific County

Increase part-time district court judge position.

Yakima County

Operating expenses of newly established district court satellite facility in Grandview serving the southeastern region of the county. Services will include district and superior court hearings and adult and juvenile probation services.

A key component of the program is to assure that the state funds do not merely replace or supplant existing levels of local funding and that the funds make a measurable difference in the level or quality of the services delivered.

It is expected that the report on 2006 expenditures will provide the first real sense of how the Trial Court Improvement Accounts have impacted the provision of justice in Washington.